

FISCAL NOTE

SB 2869 - HB 3091

February 12, 2008

SUMMARY OF BILL: Includes vehicular homicide by intoxication and aggravated vehicular homicide to the list of offenses for which a defendant must serve 100 percent of the sentence imposed by the court, less sentence credits earned.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$6,117,800/Incarceration*

Assumptions:

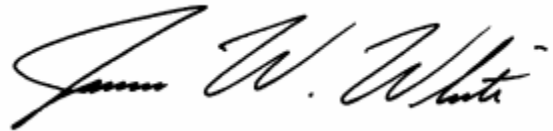
- According to the Administrative Office of the Courts (AOC), there have been an average of five convictions per year for the past five years for the Class A felony of aggravated vehicular homicide.
- Five offenders will serve an additional 11 years (an increase from six years for a Class A felony at 30 percent to 17 years for a Class A felony at 85 percent) in the first year. According to the U. S. Census Bureau, the population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth will result in one additional offender in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on six offenders serving additional time on their sentences.
- According to the Department of Correction, the average operating cost per inmate per day for calendar year 2008 is \$62.78. The cost per inmate at 6.0 years is \$137,582.37 (\$62.78 x 2,191.50 days). The cost per inmate in the tenth year is \$366,886.32 (\$62.78 x 5,844 days). The additional cost from increasing the average sentence length from 6.0 to 17.0 years is \$229,303.95 (\$366,886.32 - \$137,582.37). The total additional operating cost for six offenders is \$1,375,823.70 (\$229,303.95 x 6).
- According to the AOC, there have been an average of 42 convictions per year for the past five years for the Class B offense of vehicular homicide by intoxication. Estimate assumes 42 offenders will serve an additional 4.4 years (an increase from 2.4 years for a Class B felony at 30 percent to 6.8 years for a Class B felony at 85 percent) in the first year. Population growth will result in an additional five offenders in the tenth

year as a result of this bill. The maximum cost in the tenth year is based on 47 offenders serving additional time on their sentences. The cost per inmate at 2.4 years is \$55,032.95 (\$62.78 x 876.60 days). The cost per inmate at 6.8 years is \$155,926.69 (\$62.78 x 2,483.70 days). The additional cost from increasing the average sentence length from 2.4 years to 6.8 years is \$100,893.74 (\$155,926.69 - \$55,032.95). The total additional operating cost for 47 offenders is \$4,742,005.78 (\$100,893.74 x 47).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc